

APPLICANT(S): B. Carmeli, et al.
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 – 17 are pending in the application. Claims 1 – 17 have been rejected. Claims 1, 5, 9 and 13 have been amended.

SPECIFICATION

Remarks to the Abstract

In the Office Action, the Examiner objected to the Abstract because the title of the invention should be removed and the word "said" in line 6 of the Abstract is improper.

The title has been removed and the Abstract has been replaced with a new Abstract in which the word "said" changed to –the--.

Remarks to the Specification

In the Office Action, the Examiner objected to the Specification for not including a Summary.

A Summary of the Invention has been added between paragraphs [0003] and [0004].

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1 – 17 under 35 U.S.C. § 102(b), as being anticipated by Ghani et al. (US 6,215,769). Applicants respectfully traverse this rejection in view of the remarks that follow.

In Fig. 4, Ghani et al. shows TCP source 430 sending data packet 440 to TCP receiver 410, and receiver 410 sending back acknowledgement (ACK) 420 to TCP source 430. Ghani et al., in Fig. 5, shows receiver 410 aggregating ACK packets and sending an aggregated package (the ACK 420) back to TCP source 430. As can be seen in Fig. 4, Ghani et al. differentiates between ACK packet 420 and data packet 440 and Ghani et al only aggregates ACK packets.

Thus, Ghani et al. does not show:

"an aggregation unit to aggregate in a buffer at least two small messages received from an upper layer into a data packet and to provide said packet to a pending queue;" (claim 1)

Nor does Ghani et al. show:

"means for adjusting the size of aggregated data packets produced by said network device based at least on network congestion." (claim 5)

Applicants note that Ghani et al.'s goal is "faster congestion indication without modifying the TCP protocol" (Col 3, lines 33 - 34) while the invention recited in the claims provides acceleration of data delivery.

Not only does Ghani et al. not teach nor suggest operating on data packets, Ghani et al. teaches away from such a teaching in its differentiation of ACK and data packets. Therefore, Ghani et al. cannot anticipate claims 1, 5, 9 and 13, as amended.

Accordingly, Applicants respectfully assert that amended independent claims 1, 5, 9 and 13 are allowable. Claims 2 – 4, 6 – 8, 10 – 12 and 14 – 17 depend from, directly or

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indirectly, claims 1, 5, 9 and 13 and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 2 – 4, 6 – 8, 10 – 12 and 14 – 17 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 1 - 17.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this response to Deposit Account 09-0468.

Respectfully submitted,

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